

MEMORANDUM ENDORSEMENT

White Plains Housing Authority v. Marianina Oil Corp., 17 cv 6250 (NSR)

On November 22, 2019 at a Pre-Motion Conference, the Court granted Plaintiff leave to file a motion for summary judgment and set the briefing schedule. On January 21, 2020, at the request of Plaintiff, the Court revised the briefing schedule directing all motion-related documents shall be filed on January 29, 2020. Plaintiff filed its motion documents on January 29, 2020, however, each document was filed as a motion. Only the Notice of Motion should be filed as a motion. All supporting documents are not separate motions. Therefore, the motions filed at ECF Nos. 104, 105 and 106 are denied as they are not stand alone motions but supporting documents to one motion (ECF No. 103). Clerk of the Court is directed to terminate the motions (ECF Nos. 104, 105 and 106).

Dated: February 10, 2020
White Plains, NY

SO ORDERED.


Nelson S. Román, U.S.D.J.

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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WHITE PLAINS HOUSING AUTHORITY,

Plaintiff,

-against-

BP PRODUCTS NORTH AMERICA INC.,
MARIANINA OIL CORP. & ATLANTIC
RICHFIELD COMPANY,

Defendants.

**Case No. 17-cv-6250 (NSR-JCM)
[re. 13-cv-6282]**

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
AGAINST MARIANINA OIL CORP AS TO ITS LIABILITY**

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**IN THE UNITED STATES DISTRICT COURT
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**PLAINTIFF WHITE PLAINS HOUSING AUTHORITY's
STATEMENT OF MATERIAL FACTS NOT IN DISPUTE
PURSUANT TO LOCAL CIVIL RULE 56.1**

In support of its Motion for Summary Judgment against Defendant Marianina Oil Corp. ("Marianina") and pursuant to Local Civil Rule 56.1 of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, Plaintiff White Plains Housing Authority ("WPHA") hereby submits the following statement of material facts as to which WPHA contends there is no genuine issue to be tried:

THE PARTIES

1. Plaintiff is a municipal public housing authority, existing under the laws of the State of New York. (Deposition of Mack L. Carter, Oct. 15, 2018, ("Carter Dep.") 30:23 – 32:3; NY CLS Pub Hous § 422. White Plains Housing Authority). Affirmation of Norman W. Bernstein, December 12, 2019 (hereafter "Bernstein Aff."), Exhibit Nos. 1 and 2.

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WHITE PLAINS HOUSING AUTHORITY

Plaintiff,

-against-

BP PRODUCTS NORTH AMERICA, INC.
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[re. 13-cv-6282]**

**AFFIRMATION OF
NORMAN W. BERNSTEIN**

I am a member of the firm N.W. Bernstein & Associates, LLC, attorneys for the Plaintiff White Plains Housing Authority (“WPHA”). I respectfully submit this affirmation in support of Plaintiff’s Motion for Summary Judgment.

1. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the Deposition of Mack L. Carter, Executive Director of White Plains Housing Authority, taken October 15, 2018, pages 1, 26-33, 46-49, and 218-221.
2. Attached hereto as Exhibit 2 is a true and correct copy of NY CLS Pub Hous § 422. White Plains Housing Authority.
3. Attached hereto as Exhibit 3 is a true and correct copy of the Supplemental Affirmation of Al Pio, January 22, 2016.
4. Attached hereto as Exhibit 4 is a true and correct copy of Affirmation of Mack L. Carter, January 17, 2017.
5. Attached hereto as Exhibit 5 is a true and correct copy of WPHA’s, First Amended